

United States Department of the Interior
Bureau of Land Management
Environmental Assessment # CA670-EA2007-70
Case File # None

Finding of No Significant Impact

Devil's Canyon Vehicular Route Access

Imperial County, California

U.S. Department of the Interior
Bureau of Land Management
El Centro Field Office
1661 South 4th Street
El Centro, CA 93342

August 2010



**Finding of No Significant Impact
El Centro Field Office**

EA Number: CA-670-2007-70

Case File No. N/A

Proposed Action Title/Type: Devil's Canyon Road EA

Applicant/Proponent: BLM

Location of Proposed Action: Imperial County, CA.

See In-Ko-Pah Gorge Quad:

T. 17 S., R. 8 E., Sec. 20

T. 16½ S., R. 8 E., Sec. 4, 8, 9, 17

Conformance with Applicable Land Use Plans:

These plans have been reviewed to determine if the proposed action conforms to the land use plan terms and conditions as required by 43 CFR 1610.5. This proposed action is in conformance with the following land use plans:

Name of Plan:	California Desert Conservation Area Plan, as amended	Date Approved:	1980 (revised 1999)
Name of Plan:	Western Colorado Routes of Travel	Date Approved:	2003

Summary of Alternatives

Alternative A, the No Action alternative. The route would remain closed under the no action alternative. Drivers of vehicles trespassing on closed routes and/or areas would continue to be subject to citations.

No Special Recreation Permits (SRP) would be issued.

Alternative B. Alternative B would allow vehicular travel on the route through Devils Canyon year round and would not require a permit. The trail would be designated open under the WC RTP process completed in 2003. It would be necessary to modify the plan if this alternative is adopted.

Alternative C, the proposed action. Alternative C would allow vehicular travel under a SRP issued on a case-by-case basis. Permits would include stipulations to protect natural and cultural resources. No permits would be issued during the PBHS lambing season. The trail would remain closed under the WC RTP.

Rationale and Management Considerations

Alternative C (Vehicular travel on Devil's Canyon Road would be permitted on a case-by-case basis) is preferred over Alternative A (no action) and Alternative B (Vehicular access on Devil's Canyon Road open year round with no permit needed) for the following reasons:

- Alternative C would provide for increased recreational opportunities.
- Alternative C would allow these recreation opportunities on a case-by-case basis.
- With the mitigation measures listed below, the adverse environmental impacts of Alternative C are not significant and will be only nominally greater than those attributable to Alternatives A and B.

Description of Mitigation Measures

The BLM will impose the following mitigation measures:

- A request for a Special Recreation Permit (SRP) is made for use of the Devils Canyon trail prior to use and that all stipulations listed within the SRP are adhered to.
- Vehicle use in Devil's Canyon will be authorized one weekend per month from October through April (7 months). A weekend is defined as Saturday and Sunday.
- A maximum of 15 off-road vehicles will be allowed to traverse Devil's Canyon on each day of the weekend.
- No vehicles are to traverse Devil's Canyon for three weeks following a use weekend. This three week period is intended to facilitate continued bighorn sheep use of the area by providing an extended length of time in which humans and vehicles are not using the floor of the canyon.

FINDING OF NO SIGNIFICANT IMPACT

I have reviewed this environmental assessment including the explanation and resolution of any potentially significant environmental impacts. I have determined that the proposed action with the mitigation measures described below will not have any significant impacts on the human environment and that an EIS is not required. I have determined that the proposed project is in conformance with the approved land use plans.

Environmental impacts associated with the proposed action and alternatives have been assessed by an interdisciplinary team and described in Environmental Assessment (EA) CA-670-2007-70. The context of the EA analysis was determined to be at a local and regional scale in Imperial County, California. The effects of the action are not applicable on a national scale since no nationally significant values were involved.

In making this Finding of No Significant Impact (FONSI), the following criteria have been considered, in accordance with the Council on Environmental Quality (CEQ), 40 C.F.R. 1508.27:

1. *Impacts that may be both beneficial and adverse. A significant effect may exist even if the Federal agency believes that on balance the effect will be beneficial.*

Beneficial Effects: The proposed project would involve making a previously closed route of travel available to the public, increasing recreational opportunities in Imperial County.

Adverse Effects: This project would involve increased recreational use in Devil's Canyon, which would generate noise and dust.

2. *The degree to which the proposed action affects public health, safety and sanitation.*
The proposed project will have no effect on public health and safety.

3. *Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.*

The proposed route would not be situated in proximity to park lands, prime farmlands, wild and scenic rivers, or ecologically critical areas. The proposed project is located in a remote, rocky, steep- walled canyon.

4. *The degree to which the effects on the quality of the human environment are likely to be highly controversial.*

It is not likely that vehicles traversing this route of travel would result in impacts to the quality of the human environment that would be highly controversial. BLM has a clear understanding of the types of impacts resulting from this type of recreational activity.

5. *The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risk.*

Effects of the proposed action are well understood and would not involve any unique or unknown risks.

6. *The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.*

The proposed action would not establish precedents for future actions or represent a decision in principle about a future action.

7. *Whether the action is related to other actions with individually insignificant but cumulatively significant impacts. Significance exists if it is reasonable to anticipate a cumulatively significant impact on the environment. Significance cannot be avoided by terming an action temporary or by breaking it down into small component parts.*

Cumulative impacts of the proposed action on the environment would not be significant or related to any other action with significant cumulative impacts.

8. *The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources.*

No significant scientific, cultural or historical resources would be affected by the proposed action.

9. *The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973.*

The Federally endangered Peninsular Bighorn Sheep (*Ovis canadensis peninsularis*) occurs throughout western Imperial County. Informal consultation on the proposed

action was initiated via email with US Fish and Wildlife Service on September 14, 2007 with BLM asserting that the proposed action is not likely to adversely affect Peninsular Bighorn Sheep. USFWS concurred with this finding on October 22, 2007.

10. *Whether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment.*

The proposed action does not threaten a violation of Federal, State, or local law or requirements imposed for the protection of the environment.

Based on the findings discussed herein, I conclude that the proposed action is not a major Federal action and will result in no significant impacts to the environment. Preparation of an environmental impact statement to further analyze possible impacts is not required pursuant to Section 102(2)(c) of the National Environmental Policy Act of 1969.

Administrative Remedies

Administrative remedies may be available to those who believe they will be adversely affected by this decision. Appeals may be made to the Office of Hearings and Appeals, Office of the Secretary, U.S. Department of Interior, Board of Land Appeals (Board) in strict compliance with the regulations in 43 CFR Part 4. Notices of appeal must be filed in this office within 30 days after publication of this decision. If a notice of appeal does not include a statement of reasons, such statement must be filed with this office and the Board within 30 days after the notice of appeal is filed. The notice of appeal and any statement of reasons, written arguments, or briefs must also be served upon the Regional Solicitor, Pacific Southwest Region, U.S. Department of Interior, 2800 Cottage Way, E-1712, Sacramento, CA 95825.

The effective date of this decision (and the date initiating the appeal period) will be the date this notice of decision is posted on BLM's (El Centro Field Office) internet website.

Reviewer: /s/ Daniel Steward
Environmental Coordinator

Date: 8/3/2010

Authorized Officer: /s/ Margaret Goodro
Field Manager

Date: 8/3/2010

United States Department of the Interior
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Environmental Assessment # CA670-EA2007-70
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Decision Record

Devil's Canyon Vehicular Route Access

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BUREAU OF LAND MANAGEMENT

El Centro Field Office

1661 S. 4th Street

El Centro, CA 92243

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Devil's Canyon Road Vehicular Access (CA-670-2007-70)

Decision Record

July 26, 2010

1.0 Introduction and Background

Demand for OHV vehicles continues to increase as the public land area available for OHV access continues to shrink due to development and special designations. The El Centro Field Office attempts to provide OHV routes while protecting area resources under multiple use guidelines. The proposed route is currently open to non-motorized travel. This EA evaluates the potential impacts of OHV use on the currently closed portion Devil's Canyon Trail.

This Environmental Assessment (EA) has been prepared to disclose and analyze the environmental consequences of the use of the currently closed Devil's Canyon Road. The EA is a site-specific analysis of potential impacts that could result with the implementation of a proposed action or alternatives to the proposed action.

2.0 Decision

2.1 Alternatives Considered but not Selected

Under the No Action alternative (Alternative A), no permit would be given and no permission to travel on Devil's Canyon Road would be granted. This alternative would not provide reasonable recreational access to members of the public.

Under Alternative B, access would be granted to Devil's Canyon Road and no permit would be needed to travel on Devil's Canyon Road. This alternative would not limit the number of vehicles that would be allowed to use Devil's Canyon Road.

2.2 Decision and Rationale

Based on information in the EA, the project record, and consultation with my staff, I have decided to implement the project with the provision based on public comments that applicants for a permit adhere to stipulation 12 of the Special Recreation Permit (SRP) which states in part that "permittee holds harmless the United States and/or its agencies and representatives for any and all claims". Recreational permission to use Devil's Canyon Road will be given on a case-by-case basis. The project is not expected to adversely impact any resources.

3.0 Consultation and Coordination

Since the project area has been identified as Peninsular Bighorn Sheep habitat, informal consultation with USFWS was initiated on September 14, 2007. BLM found that the project is not likely to adversely affect Peninsular Bighorn Sheep. USFWS concurred with this finding on October 22, 2007.

4.0 Public Involvement

The EA became available for a 30 day public comment period starting June 18, 2009. Comment period ended on July 19, 2009. An electronic notice of availability of the EA was forwarded to known interested parties. BLM received 58 comment letters and E-mails.

In general most of the comments expressed concerns for:

- Required to obtain a Special Recreation Permit (SRP) to use the trail.
- Restrictions on the number of permits (7 total permits).
- Restriction on the number of vehicles allowed per day (15 total vehicles per day).
- Requirement to obtain insurance.
- Required to provide for emergency response.

Responses to the comments:

An SRP is required in order to authorize use of an area that is otherwise closed for that use to the general public. Authorities for SRP's can be found in 43 Code of Federal Regulations (CFR) 2931.3

The restrictions on the number of permits issued as well as the number of vehicles to be allowed each day is based on consultation with the U.S. Fish and Wildlife Service. BLM worked closely with the service to develop mitigation measures that would eliminate adverse impacts to the Peninsular Bighorn Sheep. The restriction of the number of permits and the three week period in between permits is intended to facilitate continued bighorn sheep use of the area.

BLM reviewed SRP regulations and have determined that adherence to stipulation number 12 of the SRP will satisfy the insurance requirements stated in the EA. Stipulation 12 reads in part "permittee holds harmless the United States and/or its agencies and representatives for any and all claims".

The Devils canyon trail is too rugged for Imperial County and BLM emergency vehicles to access with equipment. Therefore, the BLM must require the permit holder provide for their own emergency service. If an incident occurs and emergency medical services are needed, the permit holder agrees to:

- Transport emergency personnel to the victim or provide transport of the victim to a location where they can receive care.

5.0 Plan Consistency

Based on information in the EA, the project record, and recommendations from BLM specialists, I conclude that this decision is consistent with the 2003 Western Colorado Route of Travel Management Plan, the Endangered Species Act; the Native American Religious Freedom Act; other cultural resource management laws and regulations; Executive Order 12898 regarding Environmental Justice; and Executive Order 13212 regarding potential adverse impacts to energy development, production, supply and/or distribution.

6.0 Administrative Remedies

Administrative remedies may be available to those who believe they will be adversely affected by this decision. Appeals may be made to the Office of Hearings and Appeals, Office of the Secretary, U.S. Department of Interior, Board of Land Appeals (Board) in strict compliance with the regulations in 43 CFR Part 4. Notices of appeal must be filed in this office within 30 days after publication of this decision. If a notice of appeal does not include a statement of reasons, such statement must be filed with this office and the Board within 30 days after the notice of appeal is filed. The notice of appeal and any statement of reasons, written arguments, or briefs must also be served upon the Regional Solicitor, Pacific Southwest Region, U.S. Department of Interior, 2800 Cottage Way, E-1712, Sacramento, CA 95825.

The effective date of this decision (and the date initiating the appeal period) will be the date this notice of decision is posted on BLM's (El Centro Field Office) internet website.

/s/ Margaret Goodro
Margaret L. Goodro, Field Manager
El Centro Field Office

8/3/2010
Date

ENVIRONMENTAL ASSESSMENT

EA Number: CA670-EA2007-70

El Centro Field Office, California Desert District, Bureau of Land Management

Devil's Canyon Vehicular Route Access

Proposed Action Title/Type: Vehicular Route Access for Special Recreation Events within Devil's Canyon, Western Colorado Desert.

Location of Proposed Action: Imperial County, CA.

See In-Ko-Pah Gorge Quad:

T. 17 S., R. 8 E., Sec. 20

T. 16½ S., R. 8 E., Sec. 4, 8, 9, 17

Purpose and Need for the Proposed Action

Purpose:

The purpose of this project is to determine whether to allow vehicular travel by the general public on a route that was closed under the Western Colorado Desert Route of Travel Designation (WECO) plan. The project area is located approximately 8 miles west of the town of Ocotillo in Imperial County, California. Allowing limited use of the route would fulfill the BLM multiple use mandate and reopen historic use of the area. The route was open to vehicular use prior to the WECO and no road construction is proposed in this action.

Though the route is historic, severe weather and lack of maintenance make the route impassable by standard 4x4 vehicles. The current rocky terrain of the route makes it desirable to off road enthusiasts who operate highly modified vehicles specialized for traversing rocky terrain. Though the El Centro Field Office manages hundreds of miles of OHV routes, relatively few routes are open which allow for challenging rock traversing.

The CDCA and WECO were developed and implemented to address the growing demand on a finite amount of resources. It is BLM policy to allow multiple use of an area, including off-highway vehicle (OHV), unless the use is excessively damaging to natural or cultural resources. Certain uses may be curtailed when they impact the quality of remaining uses. The WECO plan goal was to support the recreational and general access uses of BLM managed land while conserving cultural and natural resources.

The goals in the CDCA Plan's Recreation Element (1985 Plan Amendment Six, approved January 15, 1987; and 1987 Plan Amendment Nine, approved August 23, 1988) are incorporated as the purpose for this action:

- Provide for a wide range of recreation opportunities and experiences, emphasizing dispersed undeveloped use.
- Provide a minimum of recreation facilities. Those facilities should emphasize resource protection and visitor safety.
- Manage recreation use to minimize user conflicts, provide a safe recreation environment, and protect desert resources.
- Adjust management approach to accommodate changing visitor use patterns and preferences.
- Encourage the use and enjoyment of desert recreation opportunities by special populations, and provide facilities to meet the needs of those groups.

The purpose of this project also includes compliance with 43 CFR 8342.1 which establishes criteria to consider when making route designations. The designations should be based on the protection of the resources of the public lands, promotion of the safety of the users of the public land, and to minimize the conflicts among the various users of the public lands. They also must be in accordance with the following criteria:

- Minimize the damage to soil, watershed, vegetation, air, or other resources of the public lands, and to prevent impairment of wilderness suitability.
- Minimize harassment of wildlife or significant disruption of wildlife or significant disruption of wildlife habitats. Special attention would be given to protect endangered or threatened species and their habitats.
- Minimize conflict between OHV use and other existing or proposed recreational uses of the same or neighboring public lands, and to ensure the compatibility of such uses with existing conditions in populated areas, taking into account noise and other factors.
- May not be located in officially designated wilderness areas or primitive areas.
- Allowed in natural areas only if the authorized officer determines that vehicle use in such locations would not adversely affect their natural, esthetic, scenic, or other values for which such areas are established.

Need:

The action is needed to provide recreation opportunities to the public and fulfill the multiple use mission of the BLM. In addition to fulfilling the mission of the BLM, allowing the proposed action would be in compliance with a number of federal laws and regulations. The proposed route was used as an OHV trail prior to closure under WECO.

This EA was initiated to comply with requirements of the National Environmental Policy Act (NEPA). The process requires disclosure of proposed actions to the public and may be presented for public comment. Further, NEPA requires the action agency to evaluate a range of

alternatives including a no action alternative. The evaluation determines what effects will be to natural and cultural resources if implementing one of the alternatives.

Demand for OHV vehicles continues to increase as the public land area available for OHV access continues to shrink due to development and special designations. The El Centro Field Office attempts to provide OHV routes while protecting area resources under multiple use guidelines. The proposed route is currently open to non-motorized travel. This EA evaluates the potential impacts of OHV use on the currently closed portion Devil's Canyon Trail.

Conformance with Existing Land Use Plans

This proposed action complies with and tiers to the California Desert Conservation Area Plan (CDCA) (1980, as amended) and the CDCA plan amendment, the Western Colorado Routes of Travel Plan (WECO) (2003) and their associated NEPA Documents.

The WECO route of travel designation established this route as closed. The CDCA plan defines a "Closed Route" stating:

Access on route is prohibited by motorize vehicles except:

1. Fire, military, emergency or law enforcement vehicles when used for emergency purposes;
2. Combat or combat support vehicles when used for national defense purposes;
3. Vehicles whose use is expressly authorized by an agency head under a permit, lease, or contract;
4. Vehicles used for official purposes by employees, agents, or designated representatives of the Federal Government or one of its contractors.

Use must be consistent with the multiple use guidelines for that area.

The CDCA plan established the project area as Multiple Use Class L (Limited Use) which protects sensitive, natural, scenic, ecological, and cultural resource values. Public lands designates as Class L are managed to provide for generally lower intensity, carefully controlled multiple use of resources, while ensuring that sensitive values are not significantly diminished.

Relationships to Statutes and Regulations

This action is provided for under the Federal Land Policy and Management Act (FLPMA) (1976) Sec. 302, 303, 310 JB.

US Fish and Wildlife Service has been informally consulted on this project under the Endangered Species Act for Peninsular Bighorn Sheep.

Proposed Action

The proposed action would allow limited non-competitive vehicular use of the closed route through Devils Canyon by Special Recreation Permit only. The route was closed when WECO was completed. The proposed route is an extremely rugged route which is impassible by standard 4x4 vehicles. Use of this road is only possible by specialized rock-crawling vehicles.

Potential users would be required to obtain a Special Recreation Permit (SRP) prior to use. Issuance of a permit would include a list of stipulations to ensure public safety and minimize environmental impacts. These stipulations would include insurance/bonding requirements, date and time restrictions, number of participants and/or vehicles, provisions for emergency response. BLM would issue about 7 permits per year outside Peninsular Bighorn Sheep lambing season. The frequency of use would likely be monthly. The duration of the disturbance will typically be less than a full day, but may extend for a full weekend in some instances.

Access would be allowed under a SRP outside the lambing season of Peninsular bighorn sheep (PBHS) which frequent the area. No SRPs would be issued for route use from May 1 through September 30th. Because of the specialized use of this route, no route maintenance or improvements would be authorized.

No Action Alternative (Alternative A)

The route would remain closed under the no action alternative. Drivers of vehicles trespassing on closed routes and/or areas would continue to be subject to citations. No SRPs would be issued.

Alternatives Considered but Eliminated from Further Analysis

Opening Devil's Canyon with no restrictions.

This alternative would allow vehicular travel on the route through Devils Canyon year round and would not require a permit. The trail would be designated open to motorized vehicles under the WECO route of travel designation. It would be necessary to amend the plan if this alternative is adopted. Unrestricted OHV use within this canyon could cause disturbance to PBHS. A current settlement agreement prevents BLM from authorizing any activities that are likely to affect PBHS within their Critical Habitat.

Affected Environment

The project area lies within the Sonoran desert region of Southern California. This portion of the Sonoran desert is also known as the Colorado Desert after the Colorado River, which runs through the region (See Figure 1). A 5 km section of the route follows a wash basin at the bottom of a steep canyon along westbound lanes of Interstate 8 and a shorter segment is south of the eastbound lanes. Access to the area is via Mountain Springs exit from Interstate 8. Several

parcels of land are privately owned in the immediate vicinity of the trailhead with multiple buildings. No services are offered at the exit.

Terrain in the area consists of steep, rocky canyons, with a large relatively flat area at the top of the trailhead. The area is well vegetated with ocotillo, cholla and barrel cactus, white sage and a variety of flora typical of the peninsular ranges. Soil in the area consists of shallow sand from the weathering granite rocks of the area. The impacted area will be limited to the narrow route at the canyon bottom due to the steep topography.

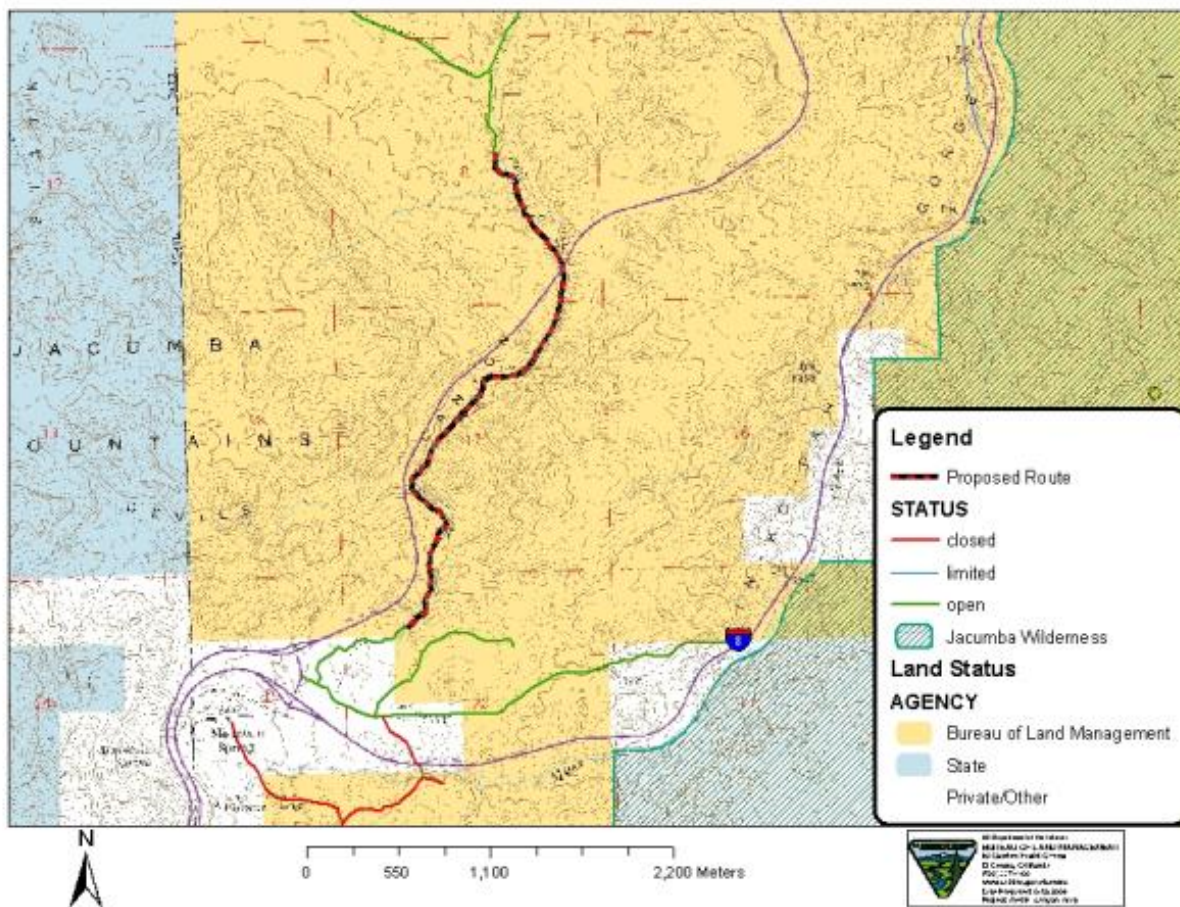


Figure 1. Proposed Devil's Canyon Trail.

Air Quality

The project area is located in Imperial County, which is also in the Salton Sea Air Basin (SSAB). In California, local responsibility for air quality is assigned to air quality management districts and air pollution control districts. The project site is located within the Imperial County Air Pollution Control District. The project site is located within the Salton Sea Air Basin that has been designated by the State of California as an ozone non-attainment area and is federally

designated by the Environmental Protection Agency (EPA) as a Section 185A ozone non-attainment area. The Section 185A transitional status means that the EPA considers the non-attainment status is due to likely trans-boundary migration of pollutants from Mexico (United States Department of Energy 2004).

Most of the year, air quality throughout Imperial County is good. However, during dry spring months windstorms and blowing dust can create dust. Excessive dust in the air can impair driving visibility and, when breathed, can be potentially harmful to high-risk people with respiratory conditions.

Motor vehicles on both paved and unpaved roads generate fugitive dust and particulate matter, PM-10, when tires crush coarser particles into fine dust and then loft it into the atmosphere where it can remain suspended for hours.

Noise / Noise Quality

In deserts where the natural sound pressure levels are very low, sound levels normally do not exceed 66 decibels, and no desert animal creates sounds above 56 decibels. Mechanized sounds increase the decibels in the desert above natural thresholds. The proposed route closely follows Interstate 8 (the route is no farther than one mile from I-8) which has a high traffic volume. Some of the vehicles used would be louder than typical vehicles due to extensive modification; however the proximity and frequency of large trucks traveling close by will limit any noticeable increase in noise.

Cultural Resources

Cultural resources include prehistoric, and historic-era (>50 yr old) archaeological artifacts, features, and sites that are protected under the National Historic Preservation Act (NHPA). Cultural resources that are judged to meet the criteria for listing on the National Register of Historic Places are considered to be significant historic properties and, as such, must be considered during planning for Federal projects. Federal agencies are also required to consider the effects of their actions on items, resources, and locations of religious significance to Native Americans, as specified in the American Indian Religious Freedom Act (P.L. 95-341). Native American graves and burial grounds, including human remains, sacred and funerary objects, and objects of cultural patrimony, are protected under the Native American Graves Protection and Repatriation Act (P.L. 101-601).

The proposed project is located within the In-Ko-Pah Gorge area of the Jacumba Mountains in Imperial County. The prehistoric archaeological sites within this area reflect human behaviors associated with food processing and habitation, and are primarily associated with the Late Prehistoric occupation. Site types include temporary campsites, milling stations, roasting pits, rock features, trails, and ceramic and lithic scatters. Settlement in this area was probably focused in the mountain valleys to optimize exploitation of the agave resources found along the steep hillsides surrounding the valleys. Many of the sites reflect these activities and are either isolated roasting pits or campsites with associated roasting pits. Historic period sites in this general area are many and may include abandoned mines, transportation related sites, and homesteads. One of

those transportation related sites is Devils Canyon itself. Devils Canyon was utilized as an historic route of travel from 1865 until the construction of Highway 80 in 1913. The canyon was the original route of the Mountain Springs cutoff from the Southern Emigrant Trail in the Yuha Desert over the mountains west to Jacumba and San Diego.

A records search and literature review was conducted utilizing available site records and cultural property data on file in the El Centro Field Office of the BLM. Current site information available in the GIS inventory was also examined for known and recorded sites and surveyed areas located within the vicinity of the area of potential effects (APE). In addition, knowledgeable members of the public as well as historic documents provided by these informants were consulted and utilized during analysis of the affected environment. These literature and data reviews indicated that there are multiple cultural resources both historic and prehistoric located on public lands within one mile of the APE. Four cultural resource investigations on public lands were located within one mile of the APE for this project. These include the following studies:

Pritchett, Howard and Lorraine; *Archaeological Survey Phase I, 11-IMP-8, P.M. 3.8, In-Ko-Pah Gorge Site No. 4 IMP 2743, Imperial County, California*; October 3, 1976.

Weaver, Richard A.; *Sunset Nuclear Project; Archaeological Inventory and Assessment of Two (2) Alternative Corridor Segments. Alignment #43.44. In-Ko-Pah Gorge Area. Imperial and San Diego Counties, California*; June 1976.

Wells, Helen; *Limited Testing of Archaeological Research Sampling Design in Davies Valley, Imperial County, California*; February 1977.

Bull, Charles S., Walker, Carol J. and von Werlhof, Jay.; *Cultural Resource Study of a Proposed Electric Transmission Line From Jade to the Sand Hills, Imperial County, California*; February 1981. (Note: this transmission project produced many supplementary reports which are not listed here).

Inventory and evaluation efforts for this specific undertaking and the APE were carried out by BLM staff on January 4, 2008 and July 18, 2008 and are summarized in BLM Cultural Resources Project Evaluation Confidential Report CA-670-07-108-PR01. The route survey and inspection of new and existing sites determined that all known are outside of the APE with the exception of the historic route itself which follows the Canyon.

Lands and Access

The project is located on public land managed by the BLM. Access is readily available from the Mountain Springs exit from Interstate 8.

Recreation

The California desert is a regional recreation resource, attracting not only local residents, but visitors from an area encompassing all of southern California, and to a lesser degree, other

regions of the United States and Canada. The five activities in the project area and on southern California BLM managed land in the year 1996 were:

- Driving for pleasure (104,500 visits)
- OHV use (98,800 visits)
- Rock hounding (36,200 visits)
- Hiking and walking (33,800 visits)
- Camping (23,000 visits)

While driving for pleasure or using an OHV accounts for most of the visits, campers spend the most time. Other common activities were nature studies, photography, viewing wildlife and scenery, visiting interpretive displays, backpacking, target shooting, mountain bike riding, hunting, horseback riding, and 4 x 4 OHV rock crawling.

Visual Resources

The BLM has developed a systematic approach to managing scenery and visual resources of landscapes called the Visual Resource Management System (VRM). This system is used for the inventory of visual resources and evaluation of predicted visual effects that could be created by proposed projects. The purpose of the VRM system is twofold: 1) to manage the quality of the visual environment, and 2) to reduce the visual impact of developmental activities while maintaining effectiveness of the BLM's resource programs. The FLPMA requires that public lands be managed in a manner that will protect the quality of scientific, scenic, historical, ecological, environmental, air and atmospheric, water resources, and archeological values (43 USC 1701). The BLM is concerned with managing visual impact without unduly reducing commodity production or limiting overall program effectiveness.

Scenic quality in the area around the proposed project location is comprised of steep, rocky slopes with variation in textures. Water features are absent. Cultural modifications are evident and mainly consist of manmade routes of travel traversing the area. Interstate 8 is a four-lane, divided asphalt road with asphalt shoulders connecting the city of El Centro to the east to the city of San Diego in the west.

No visual resource inventory has been done in the Devil's canyon area, and no visual resource classes have been designated. Since there are no improvements to be made to the road and use of the road would be temporary by permit only, there will be no impacts to visual resources.

Vegetation

The vegetation in the project area is composed mostly of desert scrub and semi desert chaparral communities. This portion of the Colorado Desert is mostly rocky with Sonoran creosote bush scrub transitioning into succulent scrub with numerous ocotillo and cacti. The terrain is gouged by dry washes that flood with the infrequent rainfall. Devil's Canyon is a steep canyon within the Jacumba Mountains.

Dominant perennial species in Devil's Canyon include: ocotillo (*Fouquieria splendens*), burrobush (*Ambrosia dumosa*), teddy bear cholla (*Cylindropuntia bigelovii*), range ratany (*Krameria parvifolia*), barrel cactus (*Ferocactus spp.*), creosote bush (*Larrea tridentata*), staghorn cholla (*Opuntia echinocarpa*), beavertail cactus (*Opuntia basilaris*), yucca (*Yucca sp.*), jojoba (*Simmondsia chinensis*), Mormon tea (*Ephedra sp.*), one-seed juniper (*Juniperus monosperma*), and California buckwheat (*Eriogonum fasciculatum*).

Several annual plants can also be found in Devil's Canyon during the spring including fiddleneck (*Amsinckia spp.*), popcorn flower (*Cryptantha spp.*), desert bells (*Phacelia campanularia*) and Desert Mariposa lily (*Calochortus kennedyi*).

Wildlife

Wildlife in the area is typical of the rocky mountains on the western edge of Lake Cahuilla, which has been dry for approximately 500 years. The area is home to resident birds, mammals, and reptiles and a fair number of migrating birds utilize the area during migration periods. Mule deer, Peninsular bighorn sheep, coyote, cottontail rabbits, jack rabbits, and many small rodents inhabit the area. Several bat species also use the area but no roost sites are known along the proposed route. California quail, rock wrens, ladder-backed woodpeckers, and black-chinned sparrows frequent the area along with dozens of other resident and migratory bird species. Multiple species of reptiles and amphibians can be found in the area.

Located at the edge of the Sonoran Desert, few water sources are available during extended dry periods, which lead to concentrations of some mammals and birds. A high quality perennial spring is found near Devil's Canyon at Mountain Springs.

Special Status Species including T&E

The Peninsular Bighorn Sheep (PBS) was listed as endangered under the Endangered Species Act in 1998. A recovery plan was subsequently developed and implemented which designated critical habitat which included the entire proposed route. A nearby perennial water source at Mountain Springs attracts PBS to the area as water sources farther away from Interstate 8 become unavailable during dry periods. The proposed route is used by PBS to access the island between the eastbound and westbound lanes without crossing the Interstate (Figure 1).

PBS occur throughout the Peninsular Range from northern Baja Mexico to Palm Springs, CA. They typically are found in the 1,000-4,000' elevation. The elevation is above the creosote scrub desert and below the heavy brush and timber found above 4,000'. PBS escape predators by climbing the steep, rocky, open slopes. Typically they are found in areas of low growing vegetation which allows early detection of predators, primarily mountain lions. Coyotes and occasionally golden eagles are also known predators. Research suggests mountain lions and possibly disease are the key factors limiting population growth of PBS. Pneumonia is frequently determined to be the cause of lamb mortality. Pneumonia is thought to have been introduced into the PBS by domestic livestock.

PBS have been seen with increasing frequency as drought has set in since the winter of 2005. The US Border Patrol regularly reports sightings in the area after the lambing season. Use of the area by PBS is confirmed by aerial surveys conducted annually by CA Department of Fish and Game.

Several federal or state listed species occur near Devil's Canyon. Quino checkerspot butterflies (*Euphydryas editha quino*) (Quino) occur at Table Mountain 5 miles west of Devil's Canyon. Quinos are dependent on *Plantago erecta* as primary host plants in the Jacumba recovery unit which have not been found in Devil's Canyon. Devil's Canyon has not been identified as a frequent or important location for Quinos. There may be potential nectar sources for Quino near Devil's Canyon, but the low elevation and high temperatures makes it highly unlikely that Quino would venture into the area.

Barefoot banded geckos (*Coleonyx switaki*) and Swainson's Hawks (*Buteo swainsoni*) are listed as State Threatened and may occur in Devil's Canyon. Laguna Mountain aster (*Machaeranthera asteroides lagunensis*) is listed as State Rare, Laguna Mountain skipper (*Pyrgus ruralis lagunae*), which is federally listed as Endangered, and San Bernadino bluegrass (*Poa atropurpurea*), which is federally listed as Endangered occur at Laguna Mountain west of Devil's Canyon. Southwest willow flycatcher (*Empidonax traillii extimus*), which is federally listed as Threatened and state listed as Endangered, least Bell's vireo (*Vireo bellii pusillus*), which is federally listed as Threatened, and arroyo toad (*Bufo microscaphus californicus*), which is federally listed as Endangered, are dependent on reliable water sources with specific characteristics. No wetlands or suitable riparian areas are found in Devil's Canyon therefore these species are not expected to occur in the project area.

ENVIRONMENTAL IMPACTS

This chapter describes the anticipated direct, indirect, and cumulative impacts of the Proposed Action and Alternatives on the affected resources.

Table- 1 **TABLE OF AFFECTED ENVIRONMENT**

Resource	Affected?		Resource	Affected?	
	Yes	No		Yes	No
Air Quality		x	Recreation	x	
ACECs		x	Range		x
Cultural Resources	x		Soils	x	
Farm Lands, Prime/Unique		x	Visual		x
Floodplains		x	T & E Species	x	
Forestry		x	Wastes, Hazardous/Solids		x
Fire Mgmt. Objectives		x	Water Quality		x

Lands (existing rights)		x	Wetlands and Riparian		x
Minerals		x	Wild and Scenic Rivers		x
Nat. Amer. Rel. Concerns		x	Wildlife	x	
Paleontology		x	Wild Horse and Burro		x
Vegetation	x		Wilderness		x

The following elements of the environment were considered but are not addressed since they are not present or are not affected: ACEC's, forestry, minerals, Native American Religious Concerns, paleontology, prime / unique farm lands, lands and access, environmental justice, fire, floodplains, range, visual resources, water quality, invasive nonnative species, solid or hazardous wastes, wetlands or riparian areas, wild horse and burro, wild and scenic rivers, and wilderness.

Air Quality

Proposed Action

Under this alternative, limited vehicle use would be allowed which would increase, compared to the existing condition, soil erosion, particulate matter (PM10), and fugitive dust levels. A de minimus increase in fugitive dust during wind storms would occur due to the crushing of rock as a result of the proposed action.

No Action

Under this alternative, there would be no increase in vehicle use along this trail. There would be no measureable increase or decrease in PM10 under this alternative.

Cultural Resources

Proposed Action

The proposed action would moderate the potential impacts of OHV use by allowing only permitted access to the route. BLM would issue about seven SRPs for use along this route per year during the fall and winter equating to approximately 1 trip per month.

No cultural resources other than the historic route of travel that is Devils Canyon were identified within the proposed project APE. This route is considered significant; however there is no actual road, road bed or artifacts remaining from that historic period and therefore there will be no effect. Thus, no "historic properties" shall be affected by the undertaking as currently proposed.

If there are any inadvertent surface or subsurface discoveries of cultural or paleontological resources, the permitted events would immediately cease and BLM would be notified. BLM would, as appropriate, evaluate the significance of the site and determine the need for mitigation.

No Action

Under this alternative, there would be no effects to cultural resources.

Noise

Proposed Action

Noise levels in the vicinity of the trail would increase slightly due to increased traffic in the canyon bottom in addition to the traffic traveling on I-8. The proximity and frequency of large trucks and other loud vehicles traveling close by on the interstate will limit any noticeable increase in noise resulting from vehicles in Devil's Canyon.

No Action

Under this alternative, there would be no change to noise or noise quality.

Recreation

Proposed Action

Under the Proposed Action, recreational access to the trail would be permitted on a limited case-by-case basis. BLM would be providing for a very specific recreational demand. Motorized rock-crawling is a highly specialized sport in which there are few routes that provide a suitable challenge for these users. The proposed action would provide them access for this recreational activity.

No Action

Vehicular traffic would not be allowed under the no action alternative. This trail would not be available for use by specialized rock climbing vehicles. This alternative would not allow OHV users groups to recreate by challenging themselves and their vehicles on this difficult terrain.

Soils

Proposed Action

Surface disturbance may occur at low levels along portions of the trail. Most of the trail contains medium and large rocks which are less susceptible to damage from vehicles. A minimal amount of erosion along the trail may occur due to increased traffic. The majority of the route is over rocks and boulders that would not be susceptible to erosion. Soil compaction is unlikely to occur along the trail because of the amount of large rock on the trail.

No Action

Soils would not be affected.

Wildlife

Proposed Action

The proposed alternative would moderate the impact of OHV use by allowing only permitted access to the route. The applicant has proposed allowing 7 trips on the route during the fall and winter equating to approximately 1 trip per month. Use at this level would probably not cause disturbance severe enough to prevent any wildlife from using the area. Vegetation growth along the route will be reduced compared to no action. Consequently, forage and cover will also be reduced. Most of the cover that birds, reptiles and other wildlife depend on would remain available. Soil compaction would not be severe enough to prevent burrowing animals from using the route.

No Action

Under this alternative, there would be no OHV travel through the canyon, allowing natural vegetation to remain unchanged. Noise and dust levels and human presence will be reduced compared to the proposed action.

Threatened and Endangered Species

Proposed Action

PBS are the only known federally listed species known to regularly occur in the area. The noise and activity of the vehicles passing through the area may result in wildlife temporarily moving away from the proposed route. The duration of the disturbance will typically be less than a full day, but may extend for a full weekend in some instances. PBS have demonstrated tolerance to limited OHV use in other areas. In areas where occasional OHV use occurs, PBS would avoid the vehicles but continue to use the area once the vehicles have left. The area would remain available as habitat for foraging and resting.

The impact of OHV on PBS is not well understood. They have habituated to vehicles in some areas while remaining wild and “escaping” in other areas. The PBS herd at Devil’s Canyon is thought to avoid crossing the Interstate and using the Devil’s Canyon route underpass instead. It would be reasonable to assume PBS in the area will move away from vehicles encountered on the Devil’s Canyon route. Escape routes for PBS are abundant along the route and would not require a significant expenditure of energy.

The route does not traverse through any lambing grounds. The ewe group uses the Devil’s Canyon Area after the lambing season is completed. PBS in the area at the time of the permitted OHV use should be mobile enough to readily flee oncoming vehicles. The low speed of OHVs on this route also would make escape easy.

No other threatened or endangered species regularly occur in the area. Southwest willow flycatcher, least Bell's vireo, and Quino checkerspot butterfly have potential to be transient in the area. No suitable habitat for those species occurs in Devil's Canyon. All three of those species are very mobile, allowing for avoidance of any OHVs and thus are not expected to be impacted.

No Action

Under this alternative, there would be no OHV travel through the canyon, allowing natural vegetation to remain unchanged. Noise and dust levels and human presence will be reduced compared to the proposed action.

Vegetation

Proposed Action

Though the proposed route is largely composed of rocks and boulders, there are several areas of brush that may be damaged by OHV use. The brush is currently heavily impacted by illegal OHV use and Border Patrol activities. It is unlikely allowing legal or permitted OHV use will increase the damage from the current level due to the trail confinement of the steep canyon walls. Only a few passages are possible through the canyon, even with highly specialized vehicles. The rugged nature of the area keeps OHVs concentrated and contains damage to vegetation.

No Action

There would be no impacts to vegetation under this alternative.

Cumulative Impacts

The proposed action is to open a route that was closed under the Western Colorado Desert Route of Travel Designation (WECO) plan. The route was open to vehicular use prior to the WECO. Though the route is historic, severe weather and lack of maintenance have made the route nearly impassable by standard 4x4 vehicles.

Intermittent use of the route by Border Patrol, coupled with illegal immigrant activity and use of the route have contributed to increased noise on the route, as well as disturbance of soil and trampling of vegetation that grew in the route while it was closed to motorized vehicles.

Cumulative impacts from this project could include mortality to wildlife as a result of increased travel along the road. There will be the increased impacts associated with increased human presence such as noise, small increases in fugitive dust emissions and trampling of minimal amounts of native vegetation. There is no potential for route proliferation or spreading because of the terrain.

Past or ongoing actions that affect the same components of the environment as the proposed action are: Maintenance of the Devil's Canyon Bridge on Interstate 8.

Agencies Consulted

United States Fish and Wildlife Service, Carlsbad Office – Informal consultation was initiated via email on September 14, 2007 with BLM asserting that the proposed action is not likely to adversely affect Peninsular Bighorn Sheep. USFWS concurred with this finding on October 22, 2007.

List of Preparers

This EA was prepared by an interdisciplinary team of BLM El Centro Field Office Resource specialists.

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